

Set out below is a selection of recent cases in which Andrew has appeared:

### **Trials and injunctions**

*ProLearn Corporation v Kytect Pty Ltd & Telstra Corporation Ltd* [2022] VSC 5 (Digby J, negligence and misleading and deceptive conduct concerning the installation of an automated telephone system, loss of opportunity profits).

*Maverick Signs v Cetinkaya* [2022] VSC 27 (Ierodionou AsJ, caveat removal, enforceability of a contract of sale for the sale of land at an on-line auction).

*Callisi v Sterling & Freeman* (Supreme Court injunction, January 2022, Osborne J, tacking and marshalling in relation to mortgagees' rights over security properties).

*Repose Nominees v Phillip Capital Ltd* [2021] VCC 1736 (Cosgrave J, breach of fiduciary duty claim against a stockbroking firm).

*Charleston v Lonsdale Golf Club* (Supreme Court injunction, June 2020, Incerti J, interlocutory injunction to restrain termination of a services agreement).

*Walker Custodians v Gibbs* (Supreme Court trial, May 2020, Sifris J, case settled, mortgage and guarantee enforcement, unconscionability, professional negligence of lawyers acting in respect of a refinancing transaction).

*Quin v Bitcon* [2020] FCA 1065 (Federal Court trial, May 2020, Steward J, priority and bankruptcy dispute re funds held in the Domestic Builders Fund)

*Gawne v Go Resources* [2019] VSC 718 (Supreme Court injunction, Lyons J, interlocutory injunction to restrain share issues and oppressive conduct against a minority shareholder).

*Australian Pipe and Tube Pty Ltd v QBE Australia (Australia) Ltd (No 2)* [2018] FCA 1450 (Federal Court trial; Beach J; successful business interruption insurance claim and damages assessment)

*Sim Development Pty Ltd v Greenvale Property Group Pty Ltd* [2017] VSC 355 (Supreme Court trial; property development; contractual construction)

*Sim Development Pty Ltd v Greenvale Property Group Pty Ltd (No. 2)* [2017] VSC 456 (Supreme Court trial; costs; validity of *Calderbank* offers)

*Southern Cross Computer Systems v Palmer & Ors (No. 2)* [2017] VSC 460 (Supreme Court trial; restraint of trade clause in a share sale agreement)

*MW Corp Pty Ltd v Sabita Lalita Nominees* [2017] VCC 832 (County Court trial; dissolution of property partnership)

*Webster Investments Pty Ltd v Anderson* (2016) 52 VR 610 (Supreme Court trial, mortgage executed by mistake, guarantee, impairment of security, discharge of guarantor)

*Ross v Gippsreal* [2016] 122 ACSR 1; [2016] VSC 753 (Supreme Court trial, receiver's right to an equitable lien; construction of an indemnity)

*Portbury Development Co Pty Ltd v Ottedin Investments Pty Ltd* [2014] VSC 57 (Supreme Court trial, property re-sale; claims against guarantors)

## **Appeals**

*SIM Development Pty Ltd v Greenvale Property Group Pty Ltd* [2018] VSCA 201 (Victorian Court of Appeal; property development; contractual construction; construction of *Calderbank* offers)

*The Gull Lexington Group Pty Ltd v Laguna Bay (Banongill) Agricultural Pty Ltd* (2018) 55 VR 273; [2018] VSCA 85 (Victorian Court of Appeal; sale of business; expert determination clause)

*SIM Development Pty Ltd v Greenvale Property Group Pty Ltd* [2017] VSCA 345 (Victorian Court of Appeal; removal of caveat)

*Gippsreal Limited v David Anthony Ross and Richard Albarran* [2017] VSCA 257 (Court of Appeal; receiver's right to an equitable lien; construction of an indemnity)

*Melbourne Orthopaedic Group v Stamford Aus-Trade & Press* [2015] VSCA 150 (Court of Appeal, trusts, intention to create a trust, resulting trust).

*Gemmell v Le Roi Homestyle Cookies Pty Ltd (in liq)* (2014) 46 VR 583; (2014) 102 ACSR 367; [2014] VSCA 182 (insolvent trading; privilege against self-incrimination).

*Petrovic v Brett Grimley Sales Pty Ltd* [2014] VSCA 99 (Court of Appeal, setting aside a transaction under section 172 of the *Property Law Act* – alienation with intent to defraud creditors).

*Settlement Group v Purcell Partners (a firm)* [2013] VSCA 68 (Court of Appeal; property settlement, professional negligence, proprietary estoppel).

*V-Flow Pty Limited v Holyoake Industries (Vic) Pty Limited* (2013) 296 ALR 418; (2013) 93 ACSR 76 (Full Federal Court appeal, statutory compensation under 1317H of the Corporations Act for breaches of directors' duties, account of profits, equitable compensation).